

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEROY WALTON,

Plaintiff,

v.

KASEEM REED, ET AL.,

Defendants.

Case No. 17-13945

SENIOR UNITED STATES DISTRICT
JUDGE ARTHUR J. TARNOW

MAGISTRATE JUDGE DAVID R.
GRAND

**ORDER OF DISMISSAL FOR PURPOSES OF RES JUDICATA AND FOR FAILURE TO
PROSECUTE**

Plaintiff filed a Complaint [1] on December 6, 2017 against a number of state and local officials in Georgia, including the State of Georgia, former Mayor of Atlanta Kasim Reed, Judge Gary Jackson, and Paul L. Howard, Jr., the Fulton County District Attorney. On May 10, 2018, the Court issued an Order [6] directing Plaintiff to submit a response by June 11, 2018, explaining why this case should not be dismissed due to lack of prosecution and the fact that it is virtually identical to a case filed in the Northern District of Georgia. *See Walton v. Reed*, No. 1:17-CV-00875. That case was dismissed on January 3, 2018 because Plaintiff failed to timely file an amended complaint.

Pursuant to Eastern District of Michigan Local Rule 41.2, “when it appears ... that the parties have taken no action for a reasonable time, the court may, on its own motion ... enter an order dismissing or remanding the case unless good cause is shown.” E.D. MICH. LOCAL R. 41.2. Plaintiff has submitted no response to the Court’s Order [6], and has therefore failed to show good cause.

Additionally – and perhaps, more importantly – this is duplicative litigation. Plaintiff has “no right to maintain two separate actions involving the same subject matter at the same time . . . and against the same defendants.” *Walton v. Eaton Corp.*, 563 F.2d 66, 70 (3d Cir. 1977). Plaintiff’s *in forma pauperis* complaint, which “merely repeats pending or previously litigated claims,” is subject to dismissal under 28 U.S.C. § 1915(e)(2)(i) as frivolous. *Belser v. Heidi Washington*, 2016 WL 6275343, at *1 (W.D. Mich. Oct. 27, 2016) (citing *McWilliams v. State of Colo.*, 121 F.3d 573, 574 (10th Cir. 1997)).

Accordingly,

IT IS ORDERED that this case is **DISMISSED**.

SO ORDERED.

Dated: July 23, 2018

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge